



## Remedial Action Begins for Tar Creek Operable Unit 4 Superfund Site

Ottawa County, Oklahoma

January 2010

### The purpose of this fact sheet...

- Remedial Action Update
- Sampling Efforts
- Community Participation
- Site Background
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- How to find out more about the Site

### Remedial Action

The OU4 remedy addresses the source materials, rural residential yard contamination, transition zone soil contamination, and contamination in water drawn from rural residential wells. The remedy also includes chat sales and relocation, which will continue to be implemented by the Lead Impacted Communities Relocation Assistance Trust. EPA will assist chat sales participants as part of EPA's CERCLA remedy. EPA does not own any chat and will not purchase any chat.

The cleanup will be conducted in phases as EPA obtains signed access agreements and documents required to perform the work. The first phase will address mine and mill waste that is located in distal areas. Distal areas are outside of the core area of Picher and Cardin. This approach will allow chat sales that are occurring within the core area of the site to continue. It is EPA's intent to remove the waste to reduce its footprint on the property and enable property owners to maximize the use of their land.

Several contracts were awarded in December 2009. These contracts will construct a part of the repository (i.e. the location where mine and mill waste will be disposed), and clean up the contaminated soil in rural residential properties, smelter waste, and move unrestricted chat in distal areas. Site activities will start in January 2010.

### Sampling Efforts

Access agreements must be received from the owners of property that have source materials for EPA to clean up source materials. There are two types of access agreements for unrestricted property, **Consent for Entry and Access to Property** and a **Settlement Agreement and Release**.

The **Consent for Entry and Access to Property** gives EPA permission to enter properties and to evaluate the amount and condition of chat deposits, other mine and mill waste, and surface soil through sampling. If needed, EPA may also install a temporary haul road to perform the remediation (to be removed afterwards), and remove the chat, mine and mill waste, and contaminated soil for further disposition.

The **Settlement Agreement and Release** give EPA permission to remove the chat and dispose of it. The actions that EPA performs to excavate, transport, and dispose of the chat are considered adequate compensation for any value the chat may have.

For restricted properties, the **Consent for Entry and Access to Property to Sample** gives EPA permission



Soil sampling using a hand augur

to enter restricted properties and to evaluate the amount and condition of restricted chat deposits, other mine and mill waste, and surface soil through sampling.

EPA will work with chat owners and the Department of the Interior and its agencies on plans to help facilitate chat sales. This includes but is not limited to finding locations to stage the chat for future sales (with appropriate tracking and security measures), and facilitating chat sales.

Without these signed documents, the implementation of the remedial action will be delayed.

### **Community Participation**

The EPA, in coordination with the Oklahoma Department of Environmental Quality, and the Quapaw Tribe has kept the community, public, governmental entities, citizen advisory groups and interested parties informed of Superfund response actions, and involved these groups in planning. EPA would like to maintain this effort and encourages residents and interested parties to participate in meetings. EPA also encourages individuals to contact our toll free number with suggestions and ideas that can help the implementation of the remedial action to be successful. Information on how you can get involved is available in the "For More Information" section. Your participation can make a difference.

### **Site Background**

The Tar Creek Superfund Site is a former lead and zinc mining area located in the northern portion of Ottawa County, Oklahoma. The Site is part of the Tri-State Mining District located at the junction of Oklahoma, Kansas, and Missouri. The Site occupies approximately 40 square miles consisting of the Ottawa County, Oklahoma, portion of the Picher Field mining region and any area where a hazardous substance from mining or milling in Ottawa County has been stored or disposed. The Site is bounded by the State of Kansas to the north. The major communities include Cardin, Commerce, North Miami, Picher, and Quapaw.

The EPA is the lead agency and ODEQ is the support agency for Operable Unit 4. Some of the Potentially Responsible Parties (PRPs) identified for the Site participated in the Remedial Investigation and Feasibility Study for Operable Unit 4. EPA performed the hu-

man health and ecological risk assessments at the Site and completed the Feasibility Study.

### **Frequently Asked Questions**

#### ***Why are there two access agreements to sign?***

The document named "Consent for Entry and Access to Property" grants EPA access to evaluate, sample, and remove chat. The Consent for Entry signed, will allow EPA to evaluate marketability of the chat and facilitate communication between the property owner and potential chat buyers.



The document named "Settlement Agreement and Release" grants EPA the right to remove the chat. The chat will be removed, and unmarketable chat will be properly disposed either in depressed features located in distal areas or taken to a central repository for disposal.

#### ***Will signing the consent for entry and/or settlement agreement at this time prevent the property owner from selling the chat independently before EPA begins work on the property?***

No. The property owner is welcome to sell its chat at any time in accordance with the "Chat Rule." If the property owner sells some or all of his chat before the remediation work begins, EPA will address only the chat or contaminated soil that remains, if any.

#### ***Will signing the access agreement or settlement agreement "lock-in" the property owner such that the property can't be sold until the work is complete?***

No. The access agreement does not bind the owner to the property until work is completed. The owner can sell the property at any time and EPA will work with the new property owner to obtain access agreements.

#### ***Is the access agreement binding on someone that might want to buy the property before the work is completed?***

No. If the property is sold, the access agreement between EPA and the property seller expires. EPA will work to obtain new access agreements from the buyer before proceeding with chat remediation.

## Legal Considerations

If waste material is used in a way that creates a threat to human health or the environment, the owner of the property and the party responsible for creating the hazardous situation could be liable for a cleanup under the CERCLA law. Because these mine wastes often contain lead, cadmium, zinc or other metal contaminants at levels that could cause harm to both human health and the environment. Using them in situations that would allow people, animals, plants, or fish, etc. to come into contact with the material could cause harm that need clean up action under CERCLA. To avoid potential CERCLA liability, EPA generally recommends that property owners, haulers, operators, and individuals or businesses that sell, buy, or use mine waste materials which contain hazardous materials, use the materials in a manner that prevents exposure to humans and other receptors that would not cause harm to the environment.

## For More Information

If you would like more information about the Tar Creek Site, contact the following EPA or ODEQ staff:

### **Ursula Lennox, Remedial Project Manager OU4**

U.S. EPA Region 6  
214.665.6743 or 1.800.533.3508 (toll-free)  
lennox.ursula@epa.gov

### **Gary Baumgarten, Remedial Project Manager OU5**

U.S. EPA Region 6  
214.665.6749 or 1.800.533.3509 (toll free)

### **Robert Sullivan, Remedial Project Manager OU1 and OU2**

U.S. EPA Region 6  
214.665.2223 or 1.800.533.3509 (toll free)

### **Janetta Coats, Community Involvement Coordinator**

U.S. EPA Region 6  
214.665.7308 or 1.800.533.3508 (toll-free)  
coats.janetta@epa.gov

### **Donn Walters, Regional Public Liaison**

U.S. EPA Region 6  
214.665.6483 or 1.800.533.3508 (toll-free)  
walters.donn@epa.gov

### **Oklahoma Department of Environmental Quality**

Dennis Datin, P.E. 405.702.5125  
David Cates, P.E. 405.702.5124

### **Quapaw Tribe of Oklahoma**

Tim Kent, Director 918.542.1853

Site information repositories are located at the following locations:

### **Information Repositories**

The Administrative Record, including the Record of Decision, for the Tar Creek Superfund Site is available at the following locations:

### **Miami Public Library**

200 North Main St.  
Miami, OK 74354  
918.542.3064

### **Oklahoma Department of Environmental Quality**

707 North Robinson  
Oklahoma, City, OK 73102  
405.702.6145

The completed Record of Decision for the Tar Creek Superfund Site, OU4 is available on the Internet at:  
[www.epa.gov/region6/superfund](http://www.epa.gov/region6/superfund)

For legal inquiries, please call the EPA Attorney, Jim Costello at 214.665.8045.

All inquiries from the news media should be directed to the Region 6 Press Office at 214.665.2200.

Information about the Tar Creek Site also can be found at U.S. EPA Region 6 Superfund

<http://www.epa.gov/region6/6sf/6sf.htm>



